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JACOBSON HOLMAN PLLC

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OCT 25 2007

Attorney Docket No. P71118US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Masaki UKAI et al.

Serial No.: 10/568,072

Group Art Unit: 1713

Via Facsimile

571-273-8300

Filed: February 13, 2006

Examiner: Reddy, Karina P.

For: TWO-PART CURABLE COMPOSITION

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Commissioner for Patents
Mail Stop RCE
P.O. Box 1450
Alexandria, VA 22313-1450

1. Submission required under 37 CFR 1.114

10/26/2007 PCHUMP 00000000 10568072

a. ☒ Previously submitted

01 FC:1252

340.00 0P

i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed September 7, 2007.

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed .

iii. ☐ Other .

b. Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Petition for extension of time

v. ☒ Other: A copy of Notice of Improper Request for Continued Examination (RCE)

2. Miscellaneous

a. ☐ Suspension of action under Rule 103(c) is requested for months (fee required).

b. ☐ Other .

3. Fees The RCE fee (Rule 17(e)) is required (Rule 114) when the RCE is filed.

☐ Charge the following fees to Deposit Account No. 06-1358

☒ Form PTO-2038 in the amount of \$340 is enclosed

(The RCE & Suspension of Action fees has already been paid by cc on October 11, 2007)

☐ Small entity status established in connection with the subject application

i. ☐ RCE fee \$810 ☐ Small Entity \$405 ☐ (required)

ii. ☒ Extension of time fee \$340

iii. ☐ Excess claims fee \$

iv. ☐ Suspension of action fee \$

v. ☐ Other .

Petition is hereby made for any necessary extension of time associated, herewith. Charge any unpaid fees associated, herewith, to Deposit Account No. 06-1358.

JACOBSON HOLMAN PLLC
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Tel. 202-638-6666
Date: October 25, 2007
HBJ:JGC:jhr
R:\jcontrera\Aoyama\P71118US0 RCE 10-25-07.wpd

By:


Joseph G. Contrera
Registration No. 44,628

**NOTICE OF IMPROPER REQUEST FOR
CONTINUED EXAMINATION (RCE)**Application No.
10/568,072Applicant(s)
UKAI ET AL
Art Unit
1700

Date Mailed:

The request for continued examination (RCE) under 37 CFR 1.114 filed on 11 October, 2007 is improper for reason(s) indicated below:

1. ☐ Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2. ☐ Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3. ☐ Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.114. ~~If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.~~
4. ☐ The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. ☐ The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on . Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. ☐ The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. ☒ The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an Improper RCE for the reason(s) indicated above.

A copy of this Notice MUST be returned with the reply.

Direct any questions concerning this notice to

BRENDA MURPHY, Technology Center 1700

Telephone Number: 571 272-1033